



FIRE

Foundation for Individual
Rights and Expression

March 15, 2023

BY ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: *Volokh v. James*, 1:22-cv-10195, Plaintiffs Oppose Defendant's Letter Motion
for Extension of Time and to Stay All Pending Deadlines

Dear Judge Carter:

We represent the Plaintiffs in this case: Eugene Volokh, Rumble Canada Inc., and Locals Technology Inc. Yesterday, Defendant filed a letter motion requesting that the Court stay all deadlines pending resolution of her appeal.¹ Defendant specifically asks that her response to the Complaint be due 30 days after the conclusion of all appeals.

Plaintiffs oppose Defendant's request because it would unnecessarily delay Plaintiffs' pursuit of a permanent injunction and the efficient resolution of this case. Plaintiffs therefore ask the Court to establish a briefing schedule for Plaintiffs to file an opposition and Defendant to file a reply if she so desires.

Thank you for Your Honor's consideration of this response and request.

Respectfully submitted,

/s Daniel M. Ortner
DANIEL M. ORTNER*
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(New York Bar No. 4287918)
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(Vermont Bar No. 5014)*

¹ Defendant's counsel called Plaintiffs' counsel on March 13 asking for consent to stay pending deadlines. Plaintiffs' counsel responded immediately to the email memorializing the call and to a follow-up email, stating that he would respond as soon as possible. On March 14, as Plaintiffs' counsel was preparing his response to Defendant's proposal, Defendant filed her letter motion.

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cc: All Counsel of Record (By ECF)